

### **III. THE COMMISSION SHOULD REMAND ANY ADDITIONAL STANDARDS DEVELOPMENT TO TIA**

The Commission requests comment on whether it should remand any additional standards development to TIA. PrimeCo submits that the industry standard satisfies CALEA but agrees with TIA that if modifications are deemed necessary remand would enable industry to ensure that “any modifications are harmonious with existing industry protocols” and the new LAES protocol.<sup>63</sup> Remand is also consistent with Congress’ intent that the standards process be driven by industry consensus rather than regulatory fiat.<sup>64</sup> Through this process, the Commission can properly focus on the legal issues raised by the petitions and industry can do the necessary standards work.

As a related matter, the Commission should decline the FBI/DOJ request that the Commission make new standards effective 18 months from the Commission’s decision and order. First, 18 months is simply an insufficient time period and the record before the Commission makes clear this fact. If remand is necessary, standards bodies will need time to develop technical standards, manufacturers will need time to design and test necessary modifications, and carriers will need time to acquire, install and test the modifications. In addition, the FBI/DOJ 18-month schedule puts the “cart before the horse.” Simply put, the necessary time for industry compliance is dependent on the extent to which, if at all, the Commission imposes the various FBI/DOJ punch list items. Imposing a time deadline at this point is premature and should be rejected.

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<sup>63</sup> TIA Petition at 12.

<sup>64</sup> See *supra* notes 16-18 and accompanying text.

**CONCLUSION**

For the foregoing reasons, the punch list items are beyond the scope of CALEA's capability requirements and should be rejected. In order to promote Congress' careful balance between privacy, minimizing burdens on new technology and services deployment and development, and legitimate law enforcement needs, the Commission must therefore deny the FBI/DOJ Petition. In the event the Commission decides to modify the J-Standard, it should remand any necessary modifications to industry standards-setting bodies as requested by TIA, and ensure adequate time to transition to and implement the new standard.

Respectfully submitted,

**PRIMECO PERSONAL COMMUNICATIONS, L.P.**

A handwritten signature in black ink, reading "William L. Roughton, Jr." with a date "5/20/98" written at the end.

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May 20, 1998

## **CERTIFICATE OF SERVICE**

I, Shelia L. Smith, hereby certify that I have on this 20th day of May, 1998 caused a copy of the foregoing Comments to be served by first class U.S. mail, postage prepaid, to the following:

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